



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

July 12, 2005

B-19J

Ms. Cheryl Martin
Federal Highway Administration
Galtier Plaza, Suite 500
380 Jackson Street
St. Paul, MN 55101

Re: Draft Environmental Impact Statement – Trunk Highway 23 Improvements, Paynesville, Minnesota. CEQ No. 20050213

Dear Ms. Martin:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the United States Environmental Protection Agency, Region 5 (U.S. EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Trunk Highway 23 (TH 23) Improvements Project in and around the City of Paynesville, Kandiyohi and Stearns Counties, Minnesota. This letter provides the results of U.S. EPA's review.

The Minnesota Department of Transportation (MnDOT) and the Federal Highway Administration (FHWA) propose improvements to all or a portion of a 7.8 mile segment of TH 23 in order to resolve existing and anticipated future traffic congestion, roadway deficiencies and safety problems. The DEIS identifies that the TH 23 improvements in the Paynesville Area are being undertaken as part of a regional effort to upgrade TH 23 to improve regional mobility between St. Cloud and Willmar, Minnesota. The proposed action will result in the construction of a four-lane, divided highway, using either a new alignment that meets the design standards for a rural expressway with a 70 mph design speed and controlled access, or a combination of new and existing alignments that meets design standards for an urban roadway.

The DEIS evaluates The No-Build and four build Alternatives. The Through Town Alternative would utilize the existing TH 23 alignment through the City of Paynesville. Three new alignment alternatives (Far West, West and East Alternatives) bypass the existing TH 23 roadway. The DEIS does not identify a preferred alternative.

Based on our review of the information provided in the DEIS, we rate all build alternatives as "EC-2." The "EC" indicates that we have environmental concerns with certain aspects of the proposal as described in the DEIS. The "2" indicates that additional information and discussion concerning impacts and mitigation measures is required to fully protect the environment. We

have based these ratings on our concerns substantially revolving around surface/ground water quality and drinking water supplies, aquatic resources, wildlife habitat, wetlands and noise impacts. Our rating of record for the DEIS is therefore an "EC-2." Enclosed you will find copies of our: (1) rating sheet, (2) Alternatives Ratings and Basis for Ratings sheet, and (3) our detailed DEIS comments.

Thank you for the opportunity to review and comment on the DEIS for the proposed TH 23 improvements project. If you have any questions regarding our DEIS comments, you may contact Virginia Laszewski of my staff at (312) 886-7501.

Sincerely,

/s/

Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Science, Ecosystems and Communities

Enclosure: (3)

cc: Minnesota Department of Transportation, District 8, 2505 Transportation Road,
P.O. Box 768, Willmar, MN 56201-0768 (Atten: Lowell Flaten, Project Manager)

NEPA Ratings for the TH 23 Improvements Project Alternatives and DEIS Rating

Alternatives Ratings and Basis for Ratings		
DEIS Alternative	Description/Basis for Rating <i>(Italicized items are MnDOT/FHWA mitigation proposals for selected resources.)</i>	NEPA Rating
“No-Build” with a 3-lane section with continuous center left turn lane	<p>Normal pavement maintenance, spot traffic operational improvements, and minor safety improvements of pavement overlays, providing turn lanes and minor intersection improvements on existing roadway. Also includes converting the existing two-lane roadway to a three-lane section – one through lane in each direction and a continuous center left turn lane extending from TH 55 to Claire Avenue. Reconstruct TH23/55 intersection.</p> <p><u>Length of corridor</u>: approximately 1.5 miles? (length not provided in DEIS).</p> <p><u>Additional r-o-w</u>: no additional acres of r-o-w needed</p> <p><u>LOS 2025</u>: unknown – possibly C and B (DEIS page 2-11, and page 3-6) (LOS information for this particular alternative is not included in DEIS Table 1-7)</p> <p><u>Number of Intersections and/or Interchanges</u>: numerous existing (exact number not provided in DEIS)</p> <p><u>Cost</u>: \$1 million (construction and right-of-way cost only, DEIS Table S-1. Total estimated cost of construction, right-of-way, operation and maintenance, and mitigation as a basis to compare alternatives is not included in the DEIS). <u>Cost/Benefit</u>: 1.4</p> <p><u>Residential Relocations</u>: none</p> <p><u>Business Relocations</u>: none</p> <p><u>Noise</u>: 135 receptors - L10 night (2025)</p> <p><u>Wetlands</u>: 0 acres (No forested wetland impacts)</p> <p><u>River/Stream crossings</u>: utilizes existing TH 23 bridge over North Fork Crow River</p> <p><u>100-yr Floodplains</u>: none</p> <p><u>Drinking Water Supplies/Wellhead Protection areas</u>: alternative located just up gradient of four of the six municipal wells. Mn Dept. of Health currently developing a Wellhead Protection Plan.</p> <p><u>Contaminated Sites</u>: 83 (site descriptions and locations are not provided in DEIS)</p> <p><u>Upland Forest (wooded areas)</u>: ? acres impacted (information not given in the DEIS)</p> <p><u>Farmland Conversion</u>: none</p> <p><u>Cultural Resources</u>: none</p>	LO

<p>Far West Alignment</p>	<p>New terrain 4-lane divided highway bypass to the west and north of Paynesville.</p> <p><u>Length of corridor</u>: 7.9 miles</p> <p><u>Additional r-o-w</u>: ? acres (information not provided in the DEIS)</p> <p><u>LOS 2025</u>: B and A (from DEIS Table 1-7)</p> <p><u>Number Interchanges</u>: 5 new interchanges</p> <p><u>Cost</u>: \$30 million (construction and right-of-way cost only, DEIS Table S-1. Total estimated cost of construction, right-of-way, operation and maintenance, and mitigation as a basis to compare alternatives is not included in the DEIS). <u>Cost/Benefit</u>: 2.33</p> <p><u>Residential Relocations</u>: 3</p> <p><u>Business Relocations</u>: none</p> <p><u>Noise</u>: 139 receptors - L10 Night (2025)</p> <p><u>Wetlands</u>: 12.2 acres (0.7 acres are forested wetland impacts). <i>Future 404 permitting, potential 2:1 compensation, 5 potential wetland mitigation sites (281.3 acres) are identified within the study area and North Fork Crow River watershed.</i></p> <p><u>River/Stream crossings</u>: 2 new crossings (North Fork Crow River and unnamed stream)</p> <p><u>100-yr Floodplains</u>: 2 crossings (13 total acres)</p> <p><u>Drinking Water Supplies/Wellhead Protection areas</u>: minimal – outside recharge area</p> <p><u>Contaminated Sites</u>: 11 (site descriptions and locations are not provided in DEIS)</p> <p><u>Upland Forest (wooded areas)</u>: ? acres impacted (information not given in the DEIS)</p> <p><u>Farmland</u>: 270 acres (includes 41 acres of indirect impact).</p> <p><u>Cultural Resources</u>: 2 possible</p> <p><u>Glacial Lakes Trail</u>: 2 crossings</p>	<p>EC-2</p>
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<p>West Alignment</p>	<p>New terrain 4-lane divided highway bypass to the west and north in and around Paynesville.</p> <p><u>Length of corridor</u>: 7.8 miles</p> <p><u>Additional r-o-w</u>: ? acres (information not provided in the DEIS)</p> <p><u>LOS 2025</u>: B and A (from DEIS Table 1-7)</p> <p><u>Number Interchanges</u>: 4 new interchanges</p> <p><u>Cost</u>: \$32 million (construction and right-of-way cost only, DEIS Table S-1. Total estimated cost of construction, right-of-way, operation and maintenance, and mitigation as a basis to compare alternatives is not included in the DEIS). <u>Cost/Benefit</u>: 2.11</p> <p><u>Residential Relocations</u>: 15</p> <p><u>Business Relocations</u>: none</p> <p><u>Noise</u>: 150 receptors - L10 night (2025)</p> <p><u>Wetlands</u>: 6.41 acres (0.4 acres are forested wetland impacts). <i>Future 404 permitting, potential 2:1 compensation, 5 potential wetland mitigation sites (281.3 acres) are identified within the study area and North Fork Crow River watershed.</i></p> <p><u>River/Stream crossings</u>: 2 new crossings (North Fork Crow River and unnamed stream)</p> <p><u>100-yr Floodplains</u>: 2 crossings (8 total acres)</p> <p><u>Drinking water Supplies/Wellhead Protection areas</u>: minimal – outside recharge area</p> <p><u>Contaminated Sites</u>: 21 (site descriptions and locations are not provided in DEIS)</p> <p><u>Upland Forest (wooded areas)</u>: ? acres impacted (information not given in the DEIS)</p> <p><u>Farmland Conversion</u>: 279 acres (includes 18 acres of indirect impacts)</p> <p><u>Cultural Resources</u>: 1 possible</p>	<p>EC-2</p>
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<p>Through Town Alignment (four lane)</p>	<p>4-lane divided highway [urban roadway] along existing TH 23 alignment with raised median, turn lanes at select intersections, horizontal alignment with sight line improvements, and access closures. Replace Canadian Pacific Railroad underpass. Reconfigure TH23/TH55 intersection.</p> <p><u>Length of corridor</u>: approximately 3 miles</p> <p><u>Additional r-o-w</u>: ? acres (information not provided in the DEIS)</p> <p><u>LOS 2025</u>: C and B (from DEIS Table 1-7)</p> <p><u>Number Interchanges</u>: no interchanges</p> <p><u>Cost Estimate</u>: \$18 million (construction and right-of-way cost only, DEIS Table S-1. Total estimated cost of construction, right-of-way, operation and maintenance, and mitigation as a basis to compare alternatives is not included in the DEIS). <u>Cost/Benefit</u>: 1.77</p> <p><u>Residential Relocations</u>: 24</p> <p><u>Business Relocations</u>: 14</p> <p><u>Noise</u>: 113 receptors - L10 night (2025)</p> <p><u>Wetlands</u>: 1.0 acres (No forested wetland impacts). <i>Future 404 permitting, potential 2:1 compensation, 5 potential wetland mitigation sites (281.3 acres) are identified within the study area and North Fork Crow River watershed.</i></p> <p><u>River/Stream crossings</u>: utilizes existing TH 23 bridge over North Fork Crow River</p> <p><u>100-yr Floodplains</u>: none</p> <p><u>Drinking Water Supplies/Wellhead Protection areas</u>: alternative located just up gradient of four of the six municipal wells. Mn Dept. of Health currently developing a Wellhead Protection Plan.</p> <p><u>Contaminated Sites</u>: 83 (site descriptions and locations are not provided in DEIS)</p> <p><u>Upland Forest (wooded areas)</u>: ? acres impacted (information not given in the DEIS)</p> <p><u>Farmland Conversion</u>: none</p> <p><u>Cultural Resources</u>: none</p> <p><u>Memorial Park</u></p>	<p>EC-2</p>
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East Alignment	<p>New terrain 4-lane divided highway bypass to the south and east in and around Paynesville.</p> <p><u>Length of corridor</u>: 7.2 miles</p> <p><u>Additional r-o-w</u>: ? acres (information not provided in the DEIS)</p> <p><u>LOS 2025</u>: B and A (from DEIS Table 1-7)</p> <p><u>Number of Interchanges</u>: 4 new interchanges</p> <p><u>Cost Estimate</u>: \$36 million (construction and right-of-way cost only, DEIS Table S-1. Total estimated cost of construction, right-of-way, operation and maintenance, and mitigation as a basis to compare alternatives is not included in the DEIS). <u>Cost/Benefit</u>: 2.62</p> <p><u>Residential Relocations</u>: 8</p> <p><u>Business Relocations</u>: 2</p> <p><u>Noise</u>: 183 receptors - L10 night (2025)</p> <p><u>Wetlands</u>: 2.0 acres (No forested wetland impacts). <i>Future 404 permitting, potential 2:1 compensation, 5 potential wetland mitigation sites (281.3 acres) are identified within the study area and North Fork Crow River watershed.</i></p> <p><u>River/Stream crossings</u>: 1 new crossing (North Fork Crow River)</p> <p><u>100-yr Floodplains</u>: 1 crossing (9 total acres)</p> <p><u>Drinkingwater Supplies/Wellhead Protection areas</u>: passes down gradient of 5 of the City's wells, but is in close proximity to Well #7. Mn Dept. of Health currently developing a Wellhead Protection Plan.</p> <p><u>Contaminated Sites</u>: 13 (site descriptions and locations are not provided in DEIS)</p> <p><u>Upland Forest (wooded areas)</u>: ? acres impacted (information not given in the DEIS)</p> <p><u>Farmland Conversion</u>: 264 acres (includes 46 acres of indirect impacts)</p> <p><u>Cultural Resources</u>: 2 possible</p> <p><u>Driving range</u></p>	EC-2
DEIS Rating		EC-2

SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION*

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS state, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment

**EPA Region 5 Review and Comments on
Trunk Highway 23 Improvements, Paynesville, Minnesota,
Draft Environmental Impact Statement (DEIS)
CEQ No. 20050213**

We commend MnDOT for the efforts made to avoid and minimize impacts to the human and natural resources environment when developing the four DEIS build alternatives. The Through Town Alternative would utilize the existing TH 23 alignment through the City of Paynesville (City). The three new alignment alternatives (i.e., Far West Alignment, West Alignment, and East Alignment) substantially bypass the more developed areas of the City. The DEIS does not identify a preferred alternative.

Surface/Ground Water Quality/Drinking Water Supply

The existing TH 23 corridor is located immediately up gradient of the City's drinking water supply wells. The DEIS does not identify whether there are measures currently in place for the existing TH 23 roadway to adequately protect the integrity of the drinking water supply wells from typical roadway pollutants or hazardous spills. The FEIS should provide this information.

The Through Town Alignment Alternative may provide an opportunity for additional protection of the wells by incorporating specific structural measures into the design and operation of the roadway through this area. These measures might include, but are not limited to, a roadway design that channels all storm water runoff within the TH 23 right-of-way to storm water detention ponds located down gradient of the wells and their recharge area, and installing devices to capture and hold roadway hazardous spills until they can be recovered. If this alternative or the East Alignment Alternative is chosen as the FEIS preferred alternative, these types of measures to protect this valuable resource should be identified, discussed and their implementation committed to in the FEIS.

The DEIS identifies that the Minnesota Department of Health (MnDH) is currently developing a Wellhead Protection Plan (WPP) for the well fields. The FEIS should provide an update on the status of the WPP. If the WPP is completed prior to the FEIS, the FEIS should identify and discuss any implications that the FEIS preferred alternative may have on the successful implementation of the WPP.

North Fork Crow River and Floodplains

All three bypass alignment alternatives (Far West, West and East) would require a new crossing of the North Fork Crow River and associated 100-year floodplain. If any of the bypass alternatives are identified as the preferred alternative in the FEIS, then measures for the adequate treatment of roadway/bridge storm water runoff and hazardous spills retention and recovery should be identified and committed to in the FEIS. We also recommend bridging across the entire 100-year floodplain to allow for unrestricted floodwater flow and to minimize impacts to

forested riparian wildlife habitat (see Woodlands and Riparian Wildlife Habitat/Corridors discussion below).

Woodlands and Riparian Wildlife Habitat/Corridors

Woodlands serve as important cover, food sources and travel corridors for wildlife. Woodlands also help to protect the water quality of lakes and streams by acting as a vegetative buffer in the watershed.

The DEIS does not provide an estimate of the amount of woodland that would be lost under each alternative. The cumulative impacts analysis does not indicate whether upland woodlands or forested riparian wildlife habitat and wildlife corridors have already been significantly impacted due to past actions. However, the large figures that accompany the DEIS show limited forested riparian habitat along the North Fork Crow River. EPA suspects that a substantial loss of forested riparian habitat associated with the North Fork Crow River has already taken place in the project study area.

Consequently, all reasonable efforts should be made to avoid and minimize impacts to riparian and upland woodlands. The FEIS should identify the amount, type and quality of woodland lost for each alternative and identify the mitigation that will be undertaken for this loss. We recommend minimizing the loss of forested riparian wildlife habitat by bridging across the North Fork Crow River and its entire 100-year floodplain. We also recommend voluntary compensation for any unavoidable woodland loss. This might occur by planting replacement trees in riparian areas and/or in upland buffers of wetland mitigation sites. Mitigation might also include assisting, the North Fork Crow River Watershed District, county, state, or federal agencies with any on-going or planned forest reclamation projects in the affected watershed

Wetlands

The four DEIS build alternatives would directly impact between 1 to 12 acres of wetlands. The Far West Alternative has the greatest acreage of wetland impact. The alternatives have either no or less than one acre of direct forested wetland impacts. The cumulative impacts analysis does not indicate whether wetlands in the area have been significantly impacted due to past actions. However, based on the information in the DEIS it appears that a substantial loss of wetlands may have already occurred due to past farming practices. Consequently, all reasonable efforts should be made to avoid and minimize impacts to wetlands and adequate compensation is provided for any unavoidable wetland loss.

We appreciate the identification of five potential wetland mitigation sites and note that the sites are located within the project study area and within the North Fork Crow River Watershed where the loss occurs. The sites are characterized as areas previously drained for agricultural purposes and are identified as potentially suitable for wetland restoration. Wetlands restored should be located in an area anticipated to be free from future land use and development conflicts, preferably as part of an existing wetlands complex. We recommend that all wetland mitigation sites include upland buffers that are planted with native vegetation to help protect the site.

Cumulative and Secondary Impacts Analysis

The DEIS cumulative and secondary impacts analysis is deficient in several respects. The analysis does not identify or consider past actions and their contribution to impacts to resources of concern, such as woodland, wildlife habitat, wetlands, and drinking water supply. The

analysis does not identify whether there are resources of concern that have already been significantly impacted. The analysis relies heavily on local land use plans. However, there is no information on how the plans were developed. Consequently, the reader has no way of knowing whether the land use plans were developed based on the identification of the natural resources base and with an underlying premise to protect and enhance that base. In addition, there are no figures/maps that show proposed future land use in relation to the natural resources base that would allow the reader to readily understand the implications of the plans implementation on the environment. No information is offered as to whether or not enforceable local implementing regulations exist to protect natural resources, such as siting setbacks from wetlands, streams, 100-year floodplains and drinking water supply wells. Based on the information in this section it appears that the land use plans were first and foremost developed to enhance economic development. The FEIS should provide additional information to address these concerns. This information is important to consider when choosing the preferred alternative and identifying the mitigation that should be undertaken to adequately protect the environment.

Noise Impacts

We note that in the year 2025 the DEIS identifies that all build alternatives will have greater noise impacts than the No-Build Alternative. The Through Town Alternative will have less noise impacts than the three bypass alternatives. Special emphasis should be placed on identifying and committing to measures that reduce the noise impacts associated with a new roadway on sensitive receptors throughout the TH 23 corridor. We recommend that the FEIS identify and evaluate additional mitigation measures such as the feasibility of using noise-reducing roadway pavements.

Additional Recommended Information and Corrections for the EIS

- p.S-2. What is the actual length of the No-Build Alternative?
- p.S-3 As with the other build alternatives, suggest you provide the length of the Through Town Alternative here.
- p.S-4 Why isn't the future extension of the new Airport's runway listed under "Major Actions Proposed by Other Government Agencies?"
- p.S-6 Table S-1 Summary of Impacts: Are "costs" in Millions of dollars? Are "Business Relocations" for the Through Town Alternative 14 or 9 (see contradictory information on page 3-14)? For each alternative, identify: (1) whether or not their design and operation could potentially adversely impact the city's drinking water supply wells, (2) the number of new river and stream crossings, (3) the acreage of upland forest/woodland loss, (4) the acreage of riparian forest/wildlife corridor loss. Recommend the Summary Impacts Table in the FEIS include the specific mitigation measures that will be under taken for each impacted resource/category.
- p.1-13 Figures 1-3 and 1-4: Shouldn't horizontal axis be labeled "Days" instead of "Hours"?
- p.1-21 Table 1-7: 2001 and Projected 2025 Peak Hour Urban LOS for TH 23 Key Intersections.: Show the Year 2025 LOS for the actual DEIS "No-Build" Alternative (i.e. the No-Build Alternative with a three-lane section between TH55 and Lake Street).
- p.3-27 Wetlands. Tables 3-18 and 3-19: The "Totals" for the East Alternative and the Through Town Alternative are different in each table.